

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PORTSIDE GROWTH AND OPPORTUNITY FUND,

Plaintiff,

v.

GIGABEAM CORPORATION,

Defendant.

| |
|----------------------|
| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED: 6/16/08 |

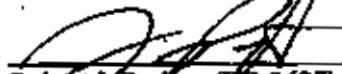
No. 07 Civ. 6990 (NRB)

IT IS HEREBY STIPULATED AND AGREED, that Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., 666 Third Avenue, New York, New York 10017, be substituted as attorneys for Defendant Gigabeam Corporation in the above-entitled action in place and stead of The Roth Law Firm, PLLC.

THE ROTH LAW FIRM, PLLC

By: 

Richard A. Roth (RAR 5538)
Jordan M. Kam (JK 8938)
545 Fifth Avenue, Suite 960
New York, New York 10017
(212) 542-8882
Former Attorneys for Gigabeam Corp.

MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO, P.C.By: 

Robert L. Bodian (RB 2627)
Jason D. Padgett (JP 7751)
The Chrysler Center
666 Third Avenue, 25th Floor
New York, New York 10017
Phone: (212) 935-3000
Attorneys for Gigabeam Corp.

SO ORDERED:

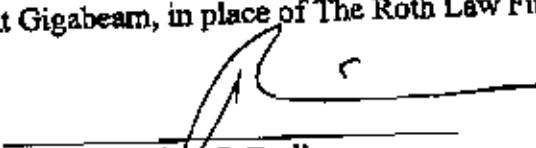

Karen L. Poole-Hansen
USDJ
6/13/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKPORTSIDE GROWTH AND OPPORTUNITY FUND, :
: XPlaintiff, :
: :
v. : No. 07 Civ. 6990 (NRB)GIGABEAM CORPORATION, :
: :
Defendant. :
: XAFFIDAVIT OF ROBERT I. BODIANState of New York)
: ss.
County of New York)

Robert I. Bodian, being duly sworn, deposes and states:

1. I am a member of the firm of Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. ("Mintz Levin"). I submit this affidavit pursuant to Local Civil Rule 1.4 in support of a request to substitute Mintz Levin as attorneys for Defendant Gigabeam Corporation ("Gigabeam").
2. Jay Lawrence, CEO and President of Gigabeam, has requested that Mintz Levin be substituted as attorneys for Gigabeam in place of The Roth Law Firm. Richard A. Roth and Jordan M. Kam, attorneys at The Roth Law Firm, consent to this substitution.
3. The Court has ruled in favor of plaintiffs on summary judgment in an opinion dated May 19, 2008. The Court has requested briefing by Gigabeam on the issue of damages. This substitution will not delay the schedule for this briefing.

WHEREFORE, we respectfully request that Mintz Levin Cohn Ferris Glovsky and Popco, P.C. be substituted as attorneys for Defendant Gigabeam, in place of The Roth Law Firm.



Robert I. Bodian

Sworn to before me this 9th
day of June, 2008.

NARGES M. KAKALIA
Notary Public

NARGES M. KAKALIA
Notary Public, State of New York
No. 02KA0146579
Qualified in New York County
Commission Expires July 17, 2010

